

1 3993 Howard Hughes Parkway, Suite 600  
2 Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

E-Filed on 3/14/08

3 40 North Central Avenue, Suite 1900  
4 Phoenix, Arizona 85004-4429  
Facsimile (602) 734-3824  
5 Telephone (602) 262-5756

Susan M. Freeman AZ State Bar No. 004199  
Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
Rob Charles NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

7 *Attorneys for USACM Liquidating Trust*

8  
9 **UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

10 In re:  
11 USA Commercial Mortgage Company,  
12 USA Capital Realty Advisors, LLC,  
13 USA Capital Diversified Trust Deed Fund,  
14 LLC,  
15 USA Capital First Trust Deed Fund, LLC,  
16 USA Securities, LLC,<sup>2</sup> Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>1</sup>  
Case No. BK-S-06-10729-LBR<sup>2</sup>

CHAPTER 11

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**Motion for an Order Shortening Time  
for Hearing on Motion to Approve  
DTDF Settlement Agreement with  
Certificate of Service**

Date: OST Requested – March 25, 2008  
Time: OST Requested – 9:30 a.m.

17 **Affects:**  
18  All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

21  
22 The USACM Liquidating Trust has filed a Motion to Approve Settlement  
23 Agreement with USA Capital Diversified Trust Deed Fund, LLC (the “Motion”) [DE  
24 5979], and asks that the Court set an expedited hearing and shorten notice on the Motion.

25 \_\_\_\_\_  
26 <sup>1</sup> This bankruptcy case was closed on October 12, 2007.  
<sup>2</sup> This bankruptcy case was closed on December 26, 2007.



The proposed settlement is comprehensive, and complex. Ordinarily, the parties would not seek an expedited hearing.

However, in this case the two-year anniversary of the bankruptcy cases is April 13, 2008. The tolling of Bankruptcy Code § 108(a)(2) expires on that date.

The proposed settlement tasks Diamond McCarthy, LLP as joint special litigation counsel for the Trust and DTDF to investigate and potentially file causes of action against numerous defendants for significant amounts. DTDF is reluctant to share its attorney-client privileged and work product information with Diamond McCarthy until the settlement is approved by this Court. Diamond McCarthy needs as much time as possible to investigate and draft complaints.

Accordingly, the Court's expedited consideration of the proposed settlement is urgently required.

Dated: March 14, 2008.

## LEWIS AND ROCA LLP

By /s/ Rob Charles (#006593)  
Rob Charles, NV 6593  
*Attorneys for the USACM Liquidating Trust*

## PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail on March 14, 2008 to the parties listed on Post-Effective Official Service List for Limited Notice No. 4 Dated January 8, 2008.

/s/ Christine E Laurel  
Christine E Laurel  
Lewis and Roca LLP



## **Declaration**

Geoffrey L. Berman declares under penalty of perjury:

1. I am an adult person competent to testify in court. I make the following statements based upon my personal knowledge, except where otherwise indicated.

2. The proposed settlement is comprehensive, and complex. Ordinarily, the parties would not seek an expedited hearing.

3. However, in this case the two-year anniversary of the bankruptcy cases is April 13, 2008. The tolling of Bankruptcy Code § 108(a)(2) expires on that date.

4. The proposed settlement tasks Diamond McCarthy, LLP as joint special litigation counsel for the Trust and DTDF to investigate and potentially file causes of action against numerous defendants for significant amounts. DTDF is reluctant to share its attorney-client privileged and work product information with Diamond McCarthy until the settlement is approved by this Court. Diamond McCarthy needs as much time as possible to investigate and draft complaints.

5. Accordingly, the Court's expedited consideration of the proposed settlement is urgently required.

I declare under penalty of perjury that the foregoing is true and correct.

Executed Thursday, March 13, 2008 at Los Angeles, California.

Geoffrey L. Berman, Trustee  
USACM Liquidating Trust  
gberman@dsi.biz  
c/o Development Specialists, Inc.  
333 South Grand Avenue, Suite 4070  
Los Angeles, CA 90071-1544